THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.15247 OF 2007

DATED: 17-07-2007

BETWEEN

Irusula Polaiah,
S/o. Narayana,
Occ: Agriculture,
R/o. Suraveedu Post,
Venkatapuram Mandal,
Khammam District
and others.

...PETITIONERS

AND

Additional Agent to Government
-cum-District Collector,
Khammam District, Khammam
and two others.

...RESPONDENTS

ORDER:

Petitioners submit that they are the residents of Suraveedu Village, Venkatapuram Mandal, Khammam District and they have occupied small extents of lands earmarked for Grama Kantam and constructed houses in Sy.Nos.24/2AA, 47/AAA and 47/10AA Grama Kantam land. They further submit that, no doubt, they are encroachers of small extents of lands and constructed houses several years ago, but, in fact, house numbers have been allotted to their houses, they have got electricity connections and ration cards etc. while so, the third respondent visited their thatched houses on 13.07.2007 stating that the agency authorities have passed order against them and that he has to implement the same by ejecting them.

2. Learned counsel for the petitioners submits that the petitioners have requested the third respondent to furnish a copy of the said ejectment order, but the third respondent without furnishing a copy and without following due process of law is attempting to dispossess the petitioners from their respective huts/houses.

3. Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, if any ejectment order has already been passed in respect of the aforesaid survey numbers, I am of the opinion that the petitioners are entitled for a copy of the same so as to enable them to file an appeal or question the same before the appropriate authority; but without serving a copy of the ejectment order and or without following due process of law, the petitioners cannot be dispossessed.

The writ petition is accordingly disposed of directing the third respondent to serve a copy of the ejectment order, if any, passed by the second respondent, on the petitioners and then only take appropriate action to implement the said order. If any such ejectment order is passed, the respondents are directed to maintain status quo for a period of two weeks from the date of service of the said order on the petitioners. There shall be no order as to costs.

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V. ESWARAIAH, J

July 17, 2007
Note: Issue wire at party's costs
(**B/o)**
DSK